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Dated: May 1, 2008
Electronic Signature for Kevin J. Canning: /Kevin J. Canning/

Docket No.: MWS-104RCE
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Patrick L. Edson *et al.*

Application No.: 10/809,152

Confirmation No.: 7394

Filed: March 24, 2004

Art Unit: 2173

For: METHODS AND APPARATUS FOR
GRAPHICAL TEST AND MEASUREMENT

Examiner: S. D. Alvesteffer

STATEMENT ESTABLISHING UNINTENTIONAL DELAY

**Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300**

Applicants hereby petition for revival of the above-identified application. A Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b) is submitted herewith with the appropriate fee.

Applicants wish to point out the following facts which clearly establish that the abandonment of the application was unintentional.

- (1) A Final Office Action was mailed to the Applicant on October 31, 2007.
- (2) On March 31, 2008, Applicants filed a *bona fide* and timely reply to the Final Office Action which included an Amendment After Final Under 37 C.F.R. 1.116 and a request for two-month extension of time.
- (3) Although Applicants submitted a *bona fide* response, **a Notice of Appeal was inadvertently omitted.**
- (4) On April 22, 2008, an Advisory Action was mailed to the Applicant (see Exhibit A). The Examiner indicated that the proposed Amendment would not be entered on the

- (5) alleged grounds that the Amendment raised new issues that would require further consideration and/or search.
- (6) Since the response was timely filed, *i.e.*, on or before the expiration of the 6-month statutory deadline (March 31, 2008), albeit absent a Notice of Appeal, and the finality of the Office Action was maintained, the application became unintentionally abandoned on April 30, 2008.

Applicants respectfully submit that the above facts clearly demonstrate that it was their intention both to maintain the pendency of the application and to expedite prosecution of the application and obtain a timely allowance. Applicants submit that the unintentional abandonment of the application was solely the result of Applicant's inadvertent omission of a Notice of Appeal. Applicants further submit that the entire delay in filing the required reply from the due date for the reply until the filing of the accompanying petition pursuant to 37 CFR 1.137(b) was unintentional.

Applicants hereby submit a Request for Continued Examination (RCE).

SUMMARY

In view of the above submission, Applicants request revival of the above-identified application.

Dated: May 1, 2008

Respectfully submitted,

Electronic signature: /Kevin J. Canning/

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